



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 24, 2011
Commerce Committee

Testimony Submitted by Commissioner Amey Marrella
Department of Environmental Protection

**Raised Senate Bill No. 1020 – AN ACT CONCERNING WATER RESOURCES AND
ECONOMIC DEVELOPMENT**

Thank you for the opportunity to present testimony regarding Raised Senate Bill No. 1020 – AN ACT CONCERNING WATER RESOURCES AND ECONOMIC DEVELOPMENT.

The Department of Environmental Protection (Department) opposes Section 1 of this bill because it prematurely ends the five year ongoing public adoption process for minimum stream flow regulations. After a five year stakeholder process, robust public process, and as required by Public Act 05-142, the Department submitted stream flow regulations to the Legislative Regulation Review Committee (LRRC) on September 7, 2010 and then resubmitted revised regulations on December 2, 2010. In addition to the stakeholder process, the Department consulted with the Department of Public Health (DPH), Department of Economic and Community Development, and Department of Public Utility Control (DPUC), and the regulations were endorsed by the Water Planning Council, comprised of DEP, DPH, DPUC and the Office of Policy and Management. The Department was responsive to concerns raised by the LRRC in October and has addressed all substantive concerns raised by the Legislative Commissioner's Office. When rejecting the regulations without prejudice in December, the LCCR directed the Department to continue to meet with stakeholders to resolve the few remaining issues. The Department is currently meeting with stakeholders, including an agreed upon mediated process, and anticipates a revised submission to LRRC in April.

Given that the Department continues to work with numerous stakeholders and other state agencies to adopt regulations that strive to achieve the balance sought by the existing statute, it is premature to change the underlying statute. The raised bill would change provisions related to water supply exemptions, technical supply yields, expenditure provisions, and concurrence that would make the envisioned balance extremely difficult if not impossible to achieve. Working within the existing statute's language has provided the necessary type and level of direction and discretion to all stakeholders and the Department to continue to develop a regulatory framework for stream flow requirements that allows Connecticut to meet its needs for water while balancing human and ecological needs.

The legislature did an artful job of drafting Public Act 05-142 – as it considered the broader economic benefits that water provides. Rivers and streams are critical to people for uses other than drinking water, one of our most basic needs. Rivers help in sustaining our economy and our communities by ensuring adequate water supply to attract business and residential development, to provide recreation opportunities for residents and tourists, and to improve the landscape that is uniquely Connecticut. Rivers are also an economic engine in their own right. Each year millions of dollars are spent on freshwater fishing, boating and related recreational activities in Connecticut, in turn generating millions in tax revenues and fees. The environmental values of rivers must be considered in balancing needs and costs. The goal of stream flow regulation is to proactively manage our water resources amongst competing uses to establish sustainable water resources for all needs. Sustainable water resource management is good for economic development, the health and welfare of all citizens of the state, and our natural resources.

In summary, working with stakeholders the Department is hopefully very close to finalizing a stream flow regulation that will promote a balanced and sustainable way of managing Connecticut's water resources so that the needs, both human and ecological, can be met in the future. The LRRC is actively engaged in this process and will ultimately decide if the balance called for in Public Act 05-142 is achieved. We request that the existing regulation adoption process be allowed to continue under the existing statutory framework.

Thank you for the opportunity to present the Department's views on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert LaFrance, at (860) 424-3401 or Robert.LaFrance@CT.gov.